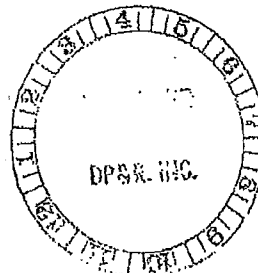


# **EXHIBIT “E”**

MOTOOKA YAMAMOTO & REVERE  
A Limited Liability Law Corporation

TERRANCE M. REVERE 5857-0  
JACQUELINE E. THURSTON 7217-0  
1000 Bishop Street, Suite 801  
Honolulu, Hawaii 96813  
Tel. No. (808) 532-7900  
Fax No. (808) 532-7910

Attorneys for Claimant  
ASSOCIATION OF APARTMENT  
OWNERS OF KO'OLANI,  
by its Board of Directors



IN THE MATTER OF ARBITRATION BEFORE  
DISPUTE PREVENTION AND RESOLUTION, INC.

STATE OF HAWAII

ASSOCIATION OF APARTMENT  
OWNERS OF KO'OLANI, by its Board of  
Directors,

Claimant,

vs.

SUNSET HEIGHTS HAWAII, LLC,  
CRESCENT HEIGHTS ACQUISITIONS,  
INC., and CRESCENT HEIGHTS OF  
AMERICA, INC., DOES 1-100

Respondents.

DPR No. \_\_\_\_\_

COMPLAINT; EXHIBITS "A" and "B";  
CERTIFICATE OF SERVICE

Complaint.ppt.doc (8555-2)

COMPLAINT

Claimant above-named, for causes of action against the Respondents above-named, designated or identified, alleges and avers as follows:

1. CLAIMANT, THE ASSOCIATION OF APARTMENT OWNERS OF KO'OLANI ("Claimant"), is an unincorporated association and brings this action, through

**EXHIBIT C**

its Board of Directors, pursuant to Chapter 514B of the Hawaii Revised Statutes and By-Laws of the Association of Apartment Owners of Ko'olani,

2. RESPONDENT SUNSET HEIGHTS HAWAII, LLC, is a Hawaii limited liability corporation and was at all times doing business in the State of Hawaii, and was one the developers of the Ko'olani project.

3. RESPONDENT CRESCENT HEIGHTS ACQUISITIONS, INC., is a Hawaii/foreign corporation and was at all times doing business in the State of Hawaii, and was one of the developers of the Ko'olani project.

4. RESPONDENT CRESCENT HEIGHTS OF AMERICA, INC., is a Hawaii/foreign corporation and was at all times doing business in the State of Hawaii, and was one of the developers of the Ko'olani project.

5. Respondents Does 1-100 are believed to be either residents of Hawaii, corporations, non-profit corporations, joint venturers, partnerships, or governmental agencies duly organized and existing under the laws of the State of Hawaii or foreign corporations, partnerships, or governmental entities committing acts within the State of Hawaii.

6. Respondents Does 1-100 are sued herein under fictitious names for the reason that their true names, identities, capacities, activities, or responsibilities are presently unknown to Claimant or its attorneys except that they are connected in some manner with the named Respondents, or may be liable to Claimant as agents, servants, employees, alter egos of Respondents, employers, representatives, co-venturers, financial institutions, lenders, grantors, associates, vendors, suppliers, manufacturers, distributors, sub-distributors, sub-contractors, contractors, bonding or surety corporations, owners, lessors, leasees, assignees, licensees, engineers, experts, consultants, inspectors, designers, or architects or were in some manner, presently unknown to Claimant engaged or involved in the activities alleged herein and/or were in some manner responsible for the injuries or damages to Claimant.

7. The Respondents were negligent with respect to the development, planning, design, construction, installation, supervision, inspection, repairing, building, management, enforcement of covenants in relation to the Ko'olani project and the buildings thereon. Respondents were negligent in violating applicable laws and ordinances, deviating from the industry standards and common law, failing to enforce the governing documents, misappropriating funds, failing to adhere to the terms of its own public reports and governing documents and constructing housing that the Respondents knew or should have known could pose serious risks of physical harm. Defendants also negligently or intentionally mislead buyers and the AOA regarding amenities, the enforcement of rules, maintenance fees, the availability of handicapped parking and other issues, including, but not limited to, the identity of the developer.

8. The Respondents are liable to Claimant based on breach of contract, breach of express and/or implied warranty, breach of fiduciary duty, negligent and intentional misrepresentation, strict product liability, and breach of statutes, ordinances and/or Building Code requirements, and/or provisions, and unfair and/or deceptive acts or practices in violation of Chapter 480 of the Hawaii Revised Statutes.

9. Attached as Exhibits "A" and "B" are spreadsheets being provided pursuant to the Respondents' request and for their convenience outlining claims asserted by the Claimant against Respondents and should not be seen as binding in any way and are being provided solely to facilitate the resolution of this matter. Discovery is ongoing and the attached spreadsheets may be updated as necessary as this matter proceeds and as certain issues are hopefully resolved via agreement.

10. As a direct and proximate result of the foregoing, Claimant has suffered injuries, damages, and losses and is entitled to recover special, general, compensatory, consequential and exemplary damages in an amount to be shown at arbitration; said injuries, damages and losses include but are not limited to the following:

- (a) physical injury to the buildings, apartments and grounds of Ko'olani;
- (b) injuries, damages, and losses resulting from improper developments, design, and/or construction of the buildings, apartments and grounds;
- (c) a continuous or repeated exposure to conditions which resulted in damage or injury to the building, apartments and grounds;

- (d) loss in value of the apartments, buildings and grounds;
- (e) the costs of experts;
- (f) increase in maintenance costs;
- (g) the cost to remedy construction and other defects;
- (h) other consequential damages.

WHEREFORE, Claimant prays for judgment against Respondents, jointly and severally, as follows:

- A. For such special, general and exemplary damages as to be shown at arbitration;
- B. For costs, interest (including prejudgment interest) and such and other further relief as Claimant is entitled to by law or as the Arbitrator deems just and proper.
- C. For appropriate injunctive relief to relieve the Burden on the AOAQ caused by the

DATED: Honolulu, Hawaii, MAR 26 2008

  
TERRANCE M. REVERE  
JACQUELINE E. THURSTON

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ASSOCIATION OF APARTMENT OWNERS  
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